

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DOMINIC (AKA DIAMOND) VARGAS,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION,
et al.,

Defendants.

Case No. 1:20-cv-00083-JLT-CDB (PC)

**ORDER WITHDRAWING FINDINGS
AND RECOMMENDATIONS**

(Doc. 27)

Plaintiff Dominic Vargas, also known as Diamond Vargas, is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed under 42 U.S.C. § 1983.

On October 6, 2022, the Court issued an order reassigning the case to the undersigned magistrate judge. (Doc. 26.) The Court served the order on Plaintiff by U.S. Postal Service on the same day. On October 17, 2022, the U.S. Postal Service returned the order as “Undeliverable, Refused, Unable to Forward.” After Plaintiff failed to update his address within sixty-three days as required by the Court’s first informational order, (Doc. 4), and Local Rule 183, the Court entered findings and recommendations to dismiss the action for failure to obey a court order, failure to comply with the Local Rules, and failure to prosecute. (Doc. 27.)

Plaintiff filed timely objections, advising that his address has never changed. (Doc. 28.) Plaintiff indicates that he has not received some court filings, and he experiences delays in

1 receiving mail. Plaintiff requests the Court to be aware of delays when setting deadlines for
2 Plaintiff's filings.

3 In light of Plaintiff's objections, it is HEREBY ORDERED that the Court's findings and
4 recommendations of December 28, 2022, (Doc. 27), are WITHDRAWN.

5 The Court acknowledges Plaintiff's filing of a Second Amended Complaint on July 29,
6 2021 (Doc. 20) and that it screens complaints in the order in which they are filed and strives to
7 avoid delays whenever possible. However, there are hundreds of prisoner civil rights cases
8 presently pending before this Court, and delays are inevitable despite the Court's best efforts.

9 IT IS SO ORDERED.

10 Dated: February 14, 2023

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13 UNITED STATES MAGISTRATE JUDGE
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